

**Springerville Planning & Zoning Commission
Regular Session Minutes
February 12, 2004**

Present: Chair – Arnold Moya, Vice-Chair – Bill Lucas, Betty Amator, Bridgett Laney, Larry Martin, Kay Matthews, and Dan Slaysman.

Absent: None.

Staff: Kurt Hassler – Zoning Administrator, Michelle Schlosser

Public: Dave Pulsifer, Amy Pulsifer, Jan Burr, Evelyn Arabie, Pat Arabie, Larry Jaeger, Catherine Jaeger, Henry Lee, Cora Lee, Ed Shields, Phil Jones, Susie Silva, Mary Nedrow and Kay Dyson.

1. Call to Order

The meeting was called to order at 7:05pm by Chair Arnold Moya.

Roll Call:	Present:	Arnold Moya
		William Lucas
		Larry Martin
		Bridgett Laney
		Betty Amator
		Kay Matthews
		Dan Slaysman

2. Public Participation

None

3. Zoning Administrator Report

Kurt asked the commission if they would like to schedule another work session to discuss the master plan. It was decided to hold a work session on March 11, 2004 at 6:00pm. At this work session each commission member was asked to bring names to invite to a future work session to discuss the master plan.

4. Minutes

Consider approval of the minutes from the planning and zoning commission meeting held on January 15, 2004.

- Commissioner Matthews requested spelling change on Page 4 – “J.A. Dardetz to J.A. Dargitz”

Motion by Bill Lucas/Kay Matthews to accept minutes with the following change recommended by Commissioner Matthews:

Vote:	Ayes:	Arnold Moya
		William Lucas
		Betty Amator
		Bridget Laney
		Larry Martin
		Kay Matthews
		Dan Slaysman

5. CUP2004-C002

Consider a conditional use permit application from Main Street Country Store and RV Park to operate a recreational vehicle park on parcel number 105-15-009.

Mr. Hassler explained that they had received a letter from Mr. Phil Jones requesting they rescind the conditional use permit. He recommended taking no action.

6. CUP2004-C003

Consider a conditional use permit application from Casa Malpais Campground to operate a recreational vehicle on parcel number 105-15-004D.

Chairman Moya stated this was also a request to rescind the conditional use permit and asked if this item was rescinded indefinitely or temporarily. He was told that this was just temporary for the review by attorneys.

Mr. Hassler stated this was also a request to rescind from Casa Malpais and asked that they go back to the previous agenda item and make a motion to table.

Chairman Moya asked the Commission to return to item 5 for a motion to table the consideration of CUP2004-C002 application.

Motion by Larry Martin/Kay Matthews to table the issue to a future meeting at the request of the applicant.

Vote:	Ayes:	Arnold Moya William Lucas Betty Amator Bridget Laney Larry Martin Kay Matthews Dan Slaysman
	Nays:	None

6. CUP2004-C003

Consider a conditional use permit application from Casa Malpais Campground to operate a recreational vehicle on parcel number 105-15-004D.

Mr. Jan Burr of Casa Malpais Campground stated that they are also asking to table this is for research to protect their interests. He wanted to mention that with Mr. Todd Boles permission he has a letter from Attorney Mitch Platt regarding the legality of issuing the conditional use permits on RV Parks that have been grandfathered in. With the permission of the Chairman and commission he distributed copies of the letter.

Mr. Hassler explained that the goal is not to shut everyone down. A majority of the park owners is an active park owner doing maintenance.

The question is what will happen after the current boom happening now. His interpretation of grandfather as the zoning administrator as saying what is non-conforming is the RV itself, the structure. This is a non-conforming structure. If you do not agree then the process is to go to appeal and the appeal will go to the Board of Adjustment. They in turn will seek legal counsel.

The two questions asked by the commission have been answered. The issue of whether these parks were grandfathered in or not was not the question. This is a question to be asked by the Board of Adjustments. They deal with the appeal of a decision either from the planning and zoning commission or zoning administrator. He reiterated that this was an interpretation of the code that he made. This is for the attorney or the commission to decide to agree with. If they do not then come in and file an appeal with the commission to take to the Board of Adjustment whom will seek a ruling from the attorney or go with the ruling the zoning administrator has stated.

Chairman Moya explained that they are trying to establish guidelines for the future to follow. He stated that the Zoning Administrator explained the idea behind what they are doing. Chairman Moya stated that we are going to have an influx of people moving to the community and we want to start somewhere and this is a good place to start.

Mr. Hassler reiterated that the issue is his interpretation of the zoning book, and in the appeal of that it should go to the Board of Adjustment not back to the planning and zoning commission. The planning and zoning commission is write the zoning book and the zoning administrators job to interpret that book. He reiterated that if they do not agree with his interpretation it needs to go to the Board of Adjustment.

Commissioner Matthews stated that during the last meeting they had the same question on grandfathering and two of the members requested an attorney's interpretation. In addition, with the situation of people coming in and asking for zoning and conditional use if there is a pre existing use on there it affects how they interpret so they need this.

She also stated that during the last meeting they were told they have to issue conditional use permits and wanted clarification. She thought they were told that they had to issue one if they were presented one.

Mr. Hassler explained that they were referencing something that was listed. The book does not allow the commission to deny a CUP when it is listed.

Commissioner Matthews she was under the same understanding that it had to be issued with the trailer park.

Mr. Hassler explained that RV Parks are not a listed conditional use and the planning and zoning had the discretion whether to issue or not to issue a conditional use permit. He explained his interpretation is that the RV is a non-conforming structure and once removed it cannot be replaced unless a conditional use is in place to allow this to happen.

Commissioner Matthews wanted to drop them because they are creating more issues for the town and she agrees that if they want to do something like this they need to include it in the master plan, update ordinances and make it proactive instead of retroactive.

Mr. Hassler recommended that they enter into the minutes that it is the commissions desire to allow all existing RV Parks to remain as they are and not require any conditional use permits. To take no action on this and it goes away. In writing both parties asked that the conditional use permits be rescinded. A copy of the minutes will be sent to the RV Park owners so they will have in writing that the intent of the planning and zoning commission. They will be drafting a new ordinance that will make everything crystal clear.

He reiterated that it is the commissions desire to allow all existing RV Parks to remain as is and not be required to get a conditional use permit to replace RV's as long as in compliance with the rest of the zoning ordinance. They would still be subject to the rest of the rules of the zoning ordinance. Next week they will go out and document every existing RV Park as of February 2004 each park. By the minutes of tonight's meeting it has been decided that they are allowed to continue to operate under a grandfather clause as long as they are in business subject to all the regulations of the zoning book.

Motion by Larry Martin/Kay Matthews to take no action on this issue declaring no conditional use permit is needed to continue operation of the current recreational vehicle park.

Vote:	Ayes:	Arnold Moya
		William Lucas
		Betty Amator
		Bridget Laney
		Larry Martin
		Kay Matthews
		Dan Slaysman

7. **CUP2004-C004**

Consider a conditional use permit application from Todd Boles to operate a recreational vehicle park on parcel number 105-20-027.

Motion by Larry Martin/Kay Matthews to table the issue to the next meeting.

Vote:	Ayes:	Arnold Moya
		William Lucas
		Betty Amator
		Bridget Laney
		Larry Martin
		Kay Matthews
		Dan Slaysman

8. **Proposed Rezone**

Discussion regarding a proposed rezoning of bisected lots along Mountain Avenue, US 60 and US 180 in Springerville.

No formal action taken. Direction given to the zoning administrator to bring back a map showing which lots will be impacted by this proposed rezoning.

9. **Rules of Procedure**

Consider approving a set of rules for the Planning and Zoning Commission to operate under.

Motion to table the issue allowing the zoning administrator to check the rules of procedure against those rules approved at the February 22, 2004 meeting by Larry Martin/Bridget Laney.

Vote:	Ayes:	Arnold Moya
		William Lucas
		Betty Amator
		Bridget Laney
		Larry Martin
		Kay Matthews
		Dan Slaysman

10. ADJOURNMENT

Motion to adjourn the meeting by Betty Amator/Larry Martin.

Vote:	Ayes:	Arnold Moya
		William Lucas
		Betty Amator
		Bridget Laney
		Larry Martin
		Kay Matthews
		Dan Slaysman

Arnold Moya, Chair